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Flushing, NY 11367

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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

New York April 26, 2024

Magistrate Judge Steven I. Locke
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Hernandez et al v. Rosso Uptown, Ltd et al Case 2:20-cv 04026-JMA-SIL

Motion to dismiss for failure to comply with Judges and court rules.

Dear Judge Locke,

I hope this letter finds you well, once again I am in the uncomfortable position to bring to your attention a matter regarding the plaintiffs' lawyer behavior, as you noted in my previous document 74, Mr. Moser failed to send us via email the pretrial order draft that he was supposed, as you ordered, to send before April 18th. At our last conference I mentioned that I had a trip scheduled to go to Italy see **exhibit A**, my travel dates are from April 29th (Monday) till May 13th.

Mr. Moser only sent us his pretrial order draft on April 25th at 1:15 pm see **exhibit B**, honestly his wording in the email is an insult to all of the parties involved and to the Court system, in his email you can read and I quote... "Gentlemen, please see attached which was prepared on April 18 but NOT email to you"

Frankly your Honor seems to be a clear attempt to mask, once again, his negligence in meeting the necessary obligations set by the court, at what point will the court consider dismissing this case based on the plaintiffs' lawyer persistent disregard for the rules and procedure of this court?

Unfortunately, my so close departure will not allow me to prepare a satisfactory draft to forward to Mr. Moser, thus my return is set for May 13th I will try my best to attend our conference on May 14th.

Luckily, we have some kind of access to the Court Docketing system and can monitor the on-going process, because even on this Mr. Moser fails to notify us.

As matter of fact, seems that Mr. Moser only complies when you reprimand him or when he receives notifications and updates of our case, in fact the Court docketed an order on April 25th at 12:09 pm and one hour later Mr. Moser magically sent us an email.

Thank you for your attention to this matter, Your Honor.

Sincerely,
Massimo Gammella



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LONG ISLAND OFFICE

URGENT

CHAMBERS OF
HON. CONRAD B. DUBERSTEIN
CHIEF U.S. BANKRUPTCY JUDGE
EASTERN DISTRICT OF NEW YORK
271 CADMAN PLACE EAST
BROOKLYN, NEW YORK 11201
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

MAGISTRATE JUDGE :

STEVEN I. Locke

CASE : HERNANDEZ ET AL V. ROSSO UPTOWN, LTD ET AL

CASE 2:20-CV-04026-JMA-SIL

PRO SE DEFENDANT : MASSIMO GAMMELLA

04/26/24

2024 APR 28 PM 2:00
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